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OFFICE OF PETITIONS

In re Application of
Mukherjee
Application No. 10/698,885
Filed: October 30, 2003
Attorney Docket No. 100201426-1

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION TO SECURE FILING DATE AS OF MAILING DATE VIA EXPRESS MAIL," filed January 5, 2005, requesting that the above-identified application be accorded a filing date of October 31, 2003, rather than the presently accorded filing date of October 30, 2003. The petition will be treated under 37 CFR 1.53(e).

Petitioner requests the later filing date based on the assertion that the application was deposited in U.S. Express Mail Service on October 31, 2003. In support, the petition is accompanied by (1) an Ex Post Declaration of Express Mailing signed by Trinity Coxon and dated October 31, 2003 that states a mailing bearing Express Mail Label No. EL979977687 was delivered to a postal employee on October 31, 2003 and (2) a copy of applicant's itemized postcard receipt showing an Office generated barcode listing October 31, 2003 as the date the correspondence was received in the Office.

The return postcard constitutes *prima facie* evidence that this application was filed on October 31, 2003. MPEP 503.

Accordingly, the petition is **GRANTED**. The \$130.00 petition fee will be credited to deposit account no. 08-2025.

The application is being returned to Office of Initial Patent Examination for mailing of a corrected filing receipt and correction of Office records to show the filing date of the application as **October 31, 2003**, not October 30, 2003.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions